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about 0.01 to about 0.4% of retinol and from about 0.01 to about 0.1% of N-acetylcysteine.

REMARKS

This Amendment is respectfully submitted in response to the Office Action rendered July 27, 2001. It is timely submitted in view of the Petition for Extension of Time submitted concurrently herewith.

The claims have been amended to cancel claims 1-6 and 8-13 without prejudice. These claims will be pursued in another continuation application in order to expedite prosecution of the claims remaining herein. New claims 17-24 have been submitted. These claims find basis in the Specification in original claim 1 and at page 6, l. 18-24, page 3, l. 5-11, page 4, l. 23 through page 5, l. 12, page 7, l. 10-13, page 3, l. 27 through page 34, l. 2 and page 3, l. 7-11. An Appendix containing a marked-up copy of amended claim 7 is appended hereto.

Applicants gratefully acknowledge the withdrawal of the previous rejection of claims 1, 2, 5-13 and 15 under 35 U.S.C. 103(a) as being unpatentable over Robinson et al. and Mason et al.

Claim 1 was objected to in the Office Action of July 27, 2001 in light of the use of the clause, "one or more stabilizer compounds selected from the group consisting of: a) thio-containing compounds" on the ground that thio-containing compounds is the only group used. Applicants respectfully submit that as claim 1 has been canceled without prejudice, correction of claim 1 is unnecessary and the objection is moot. Applicants respectfully submit that the use of the phrase: "one or more stabilizer compounds selected from the group consisting of thio-containing compounds" as used in claim 15 is correct in that the term "thio-containing compounds" is in the plural case and the "a)" has been omitted. Consideration of amended claim 15 is respectfully requested.

The Office Action of July 27, 2001 objected to claim 1 due to certain informalities. The Office Action of July 27, 2001 further rejected, collectively, claims 1, 2, 5, 6, 7 and 8-13

under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully request reconsideration of this rejection in view of the fact that claims 1, 2, 5, 6 and 8-13 have been canceled without prejudice and therefore this rejection is rendered moot.

The Office Action of July 27, 2001 also rejected claims 1, 2, 5-7, 11-13 and 15 as being indefinite because of the use of the term "more than one oxygen-labile species". Claims 1, 2, 5-6 and 11-13 have been canceled without prejudice, therefore, applicants respectfully submit that the rejection no longer applied to them. Claims 7 and 15 have been amended to describe embodiments of the compositions of applicants' invention wherein from about one to about three species are present. Applicants respectfully submit that the description of these embodiments clarifies claims 7 and 15. Applicants therefore request reconsideration of this rejection under 35 U.S.C. 112.

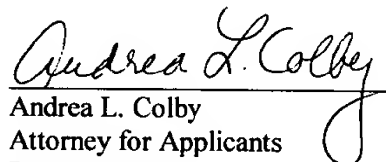
The Office Action further rejected claims 2, 5, 6, 8-10, 12 and 13 as being indefinite because of the use of the term "derivatives", as well as claim 6 for using the term "water-soluble oxygen-labile species" in line 1. Applicants respectfully submit that this rejection has been rendered moot by the cancellation of claims 1-6 and 8-13 without prejudice. As to the term "derivatives", which is included in amended claim 7, 15 and 17, applicants respectfully submit that this term is well-known to those of skill in the art, who are well-aware of compounds that are related to and derived from the described compounds. Exemplary of such derivatives, but not inclusive, are those found in the International Cosmetic Ingredient Dictionary and Handbook (7th Edition), John A. Wenninger and G. N. McEwen, Jr., Ed., The Cosmetic, Toiletry, and Fragrance Association, 1997 (hereinafter, Cosmetic Handbook), at pages 92-93, a copy of which is attached hereto. Likewise, exemplary tocopherol derivatives may be found in the Cosmetic Handbook at pages 1410-1413. Applicants respectfully request reconsideration of claims 7 and 15 as well as consideration of new claims 17-24 in light of the foregoing discussion.

The Office Action further rejected claims 1, 2, 5, 6 and 10-12 under 35 U.S.C. 102(b) as being anticipated by Clum et al. The basis for this rejection was that Clum et al. teaches a skin care composition comprising a water-in-oil emulsion, retinoids, and a stabilizing system

selected from the group consisting of a chelating agent and at least one oil-soluble antioxidant, a chelating agent and at least one water-soluble antioxidant or an antioxidant present in each of the oil and water phases of the emulsion. The Office Action also rejected claims 1, 2, 5, 6 and 8-13 under 35 U.S.C. 102(b) as being anticipated by Liu et al. on the ground that Liu et al. teaches a skin care composition comprising a water-in-oil emulsion, retinoids and a stabilizing system. Applicants respectfully request reconsideration of this rejection on the basis that claims 1-6 and 8-13 have been canceled without prejudice. The rejections under 35 U.S.C. 102(b) are, therefore, rendered moot.

Applicants respectfully request reconsideration of claim 7 and consideration of new claims 17-24. An early allowance is earnestly solicited.

Respectfully submitted,


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APPENDIX

7. (Amended) A composition comprising therapeutically active amounts of from one to about three oxygen-labile species selected from the group consisting of retinoids, choleciferol, vitamin K, ascorbic acid, ascorbic acid derivatives, tocopherol and tocopherol derivatives and a mixture thereof; and a stabilizer compound comprising [according to claim 2 wherein said thio-containing compound is] N-acetylcysteine.
15. (Amended) Compositions [according to claim 8] comprising from about one to about three oil-soluble oxygen-labile species and at least one stabilizer compound selected from the group consisting of thio-containing compounds wherein said compositions comprise at least one retinoid, at least one tocopherol and at least one ascorbic acid or their derivatives and said thio-containing compound is N-acetyl cysteine.